

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSE MORALES, et al.,)	
)	
Plaintiffs,)	8:08CV88
)	
and)	
)	
GABRIEL SANCHEZ CLAUDIO, et al.,)	
)	
Plaintiffs,)	8:08CV161
)	
vs.)	
)	
GREATER OMAHA PACKING)	
COMPANY, INC.,)	ORDER
)	
Defendant.)	

This matter is before the court on the Report and Recommendation of the United States Magistrate Judge, Filing No. 77 in 8:08CV88 and Filing No. 109 in 8:08CV161, on the plaintiffs' motions to certify a class, Filing No. 63 in 8:08CV88 and Filing No. 95 in 8:08CV161. This is an action for violations of the Fair Labor Standards Act and state law regarding pay for pre- and post-shift activities, or "donning and doffing." The magistrate judge recommends that the motions be granted. No objections have been filed. Pursuant to 28 U.S.C. § 636 and Fed. R. Civ. P. 72, the court finds the report and recommendation should be adopted. Accordingly,

IT IS ORDERED:

1. The report and recommendation of the magistrate judge (Filing No. 77 in 8:08CV88 and Filing No. 109 in 8:08CV161) is adopted in its entirety.
2. The plaintiffs' Motion for Conditional Certification of a Collective Action Pursuant to the Fair Labor Standards Act (Filing No. 63 in case number 8:08CV88, and Filing No. 95 in case number 8:08CV161) is granted.

3. The class includes:

All present and former production and support employees who have been employed by Greater Omaha Packing Co., Inc.'s Omaha, Nebraska, processing facility during the time period March 4, 2005, to the present, who use personal protective equipment, and are compensated based on a gang time system.

4. The defendant is required to produce each class member's name, address and Social Security number within ten calendar days of entry of an order on this matter.

5. Within ten calendar days of the entry of this order, the parties' shall confer regarding a proposed Notice form, and seek court approval therefor.

6. The plaintiffs are permitted to send the approved Notice form to each potential class member and the defendant is required to circulate the approved Notice form to each potential class member who cannot be reached by mail.

7. Pursuant to Filing No.23 in case number 8:08CV88, and Filing No. 63 in case number 8:08CV161, all future filings shall only be filed in the earlier filed action ***Jose Morales, et al. v. Greater Omaha Packing Company, Inc.*** (Case No. 8:08CV88).

DATED this 9th day of June, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief District Court Judge